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Attorneys for Defendant

HOST HOTELS & RESORTS, INC.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

PETER STROJNIK,

Plaintiff,

vs.

HOST HOTELS & RESORTS, INC.  
dba Andaz Maui at Wailea Resort,

Defendant.

CIVIL NO. 19-00136-JMS-RT

DEFENDANT HOST HOTELS &  
RESORTS, INC.'S **MOTION TO  
DISMISS PLAINTIFF'S SECOND  
AMENDED COMPLAINT** [ECF NO.  
19]; MEMORANDUM IN SUPPORT  
OF MOTION; REQUEST FOR  
JUDICIAL NOTICE; DECLARATION  
OF COUNSEL; EXHIBITS "1" - 17;  
CERTIFICATE OF COMPLIANCE;  
CERTIFICATE OF SERVICE

Trial Date: February 2, 2021

Judge: Hon. J. Michael Seabright

**DEFENDANT HOST HOTELS & RESORTS, INC.’S MOTION TO  
DISMISS PLAINTIFF’S SECOND AMENDED COMPLAINT**

Defendant HOST HOTELS & RESORTS, INC. (“*Defendant*”), through its counsel, hereby moves to dismiss the Second Amended Complaint filed on September 17, 2019 [ECF No. 19] (“*Complaint*”) by Plaintiff Peter Strojnik, *pro se*, on the grounds that the allegations in the Complaint fail to establish subject matter jurisdiction and fail to state a claim upon which relief can be granted.

This Motion is made pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure and LR7.1 of the Local Rules for the United States District Court for the District of Hawai‘i, and is based on the accompanying Memorandum in Support of Motion, Request for Judicial Notice, Declaration of Counsel, other matters of which the Court may take judicial notice, the entire record and pleadings filed herein, the reply memorandum to be filed hereafter, and upon such other matters as may be presented to the Court at the time of the hearing on this Motion.<sup>1</sup>

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<sup>1</sup> Defendant brings this motion in compliance with LR7.8, which excepts from the pre-filing conference requirement “matters in which at least one party is *pro se*.”

DATED: Honolulu, Hawai‘i, February 25, 2020.

/s/ Lindsay N. McAneeley

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